

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet
F-4**

DATE: Monday February 08, 2021

CASE NUMBER: C15-2021-0019

- _____ Brooke Bailey
- _____ Jessica Cohen
- _____ Ada Corral
- _____ Melissa Hawthorne
- _____ VACANT
- _____ Don Leighton-Burwell
- _____ Rahm McDaniel
- _____ Darryl Pruett
- _____ Veronica Rivera
- _____ Yasmine Smith
- _____ Michael Von Ohlen
- _____ Kelly Blume (Alternate)
- _____ Vacant (Alternate)
- _____ Donny Hamilton (Alternate)

OWNER/APPLICANT: Lawrence Graham

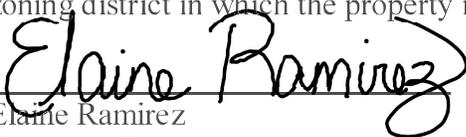
ADDRESS: 5909 BULL CREEK RD

VARIANCE REQUESTED: The applicant is requesting a variance(s) from the Land Development Code, Section 25-2-492 (Site Development Regulations) from setback requirements to decrease the minimum rear yard setback from 10 feet (required) to 6 feet 7 inches (requested) in order to erect a Guest House in a SF-2", Single-Family Residence zoning district.

BOARD’S DECISION: BOA Meeting Feb 8, 2021 POSTPONED TO MARCH 8, 2021

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



 Elaine Ramirez
 Executive Liaison

_____ Diana Ramirez for
 _____ Don Leighton-Burwell
 Chairman

BOA GENERAL REVIEW COVERSHEET

CASE: C15-2021-0019

BOA DATE: February 8th, 2021

ADDRESS: 5909 Bull Creek Rd

COUNCIL DISTRICT: 7

OWNER: Lawrence Graham

AGENT: N/A

ZONING: SF-2

LEGAL DESCRIPTION: LOT 22 ALLANDALE SEC 3

VARIANCE REQUEST: decrease the minimum rear yard setback from 10 feet (required) to 6 feet 7 inches (requested)

SUMMARY: construct a guest house

ISSUES: lot size

	ZONING	LAND USES
<i>Site</i>	SF-2	Single-Family
<i>North</i>	SF-2	Single-Family
<i>South</i>	SF-2	Single-Family
<i>East</i>	SF-2	Single-Family
<i>West</i>	SF-2	Single-Family

NEIGHBORHOOD ORGANIZATIONS:

- Allandale Neighborhood Association
- Austin Independent School District
- Austin Lost and Found Pets
- Austin Neighborhoods Council
- Bike Austin
- Central Austin Urbanists
- Friends of Austin Neighborhoods
- Homeless Neighborhood Association
- Lower District 7 Green
- NW Austin Neighbors
- Neighborhood Empowerment Foundation
- North Austin Neighborhood Alliance
- SELTexas
- Shoal Creek Conservancy
- Sierra Club, Austin Regional Group



CITY OF AUSTIN
Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _____	ROW # _____	Tax # _____
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Section 1: Applicant Statement

Street Address: 5909 Bull Creek Road

Subdivision Legal Description:
Lot 22 Allandale SEC 3

Lot(s): _____ Block(s): _____

Outlot: _____ Division: _____

Zoning District: _____

I/We Lawrence Graham/Andrea Griswold on behalf of myself/ourselves as authorized agent for _____ affirm that on

Month January, Day 8, Year 2021, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: guest house

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

, is a reduction of the rear setback requirement from 10' to 6'-7 1/4". The reasons:

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Rear-setback regulations preclude reasonable use—the construction of a guest house on this property—because the construction of the guest house as proposed would result in roof eaves that are less than 10' apart and would thus tie both the guest house and main house together in one fire area. This would require extensive modifications of the rear exterior wall and roof of the existing house. Locating the guest house as proposed would allow for an eave separation greater than 10'

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The size of our lot does not allow for a 10' setback and adequate separation between the existing house and the proposed guest house. What we are requesting would still provide for an adequate set back of 6' 7 1/4" that will mantain privacy and access to electrical lines. As noted above, the hardship is that the lot size would not allow adequate separation and we require us to make extensive modifications to our existing house to provide for proper fire safety

b) The hardship is not general to the area in which the property is located because:

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Granting this variance and allowing the construction of a guest house with a setback of 6'-7 1/4" instead of 10' will not alter the character of the area adjacent to the property. This would allow for only 3' 4 3/4" of addition feet of separation between the existing house and the guest house. The rear yard, and that of the immediate neighbors, contain large trees and dense foliage. There will continue to be more than adequate separation between guest house and neighbors to the south and the east.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: 01/08/2021

Applicant Name (typed or printed): Lawrence Graham

Applicant Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: _____ Date: _____

Owner Name (typed or printed): _____

Owner Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

My wife Andrea Griswold and I have owned and lived in this house at 5909 Bull Creek since 1995. We are constructing a guest house in our back yard for my in-laws to stay when they visit us. My father-in law is in his 80s and is a person with Parkinson's disease. My wife, a nurse with a RN, will be able to help provide care for her father when he stays with us in the guest house.

land area: 13,390 sq. ft.

SCALE: 1"=20'

**SURVEY MAP OF
LOT 22, ALLANDALE, SECTION THREE,
A SUBDIVISION IN TRAVIS COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME 5 PAGE 102 OF THE
PLAT RECORDS OF TRAVIS COUNTY, TEXAS.
LOCATED AT 5909 BULL CREEK ROAD.**

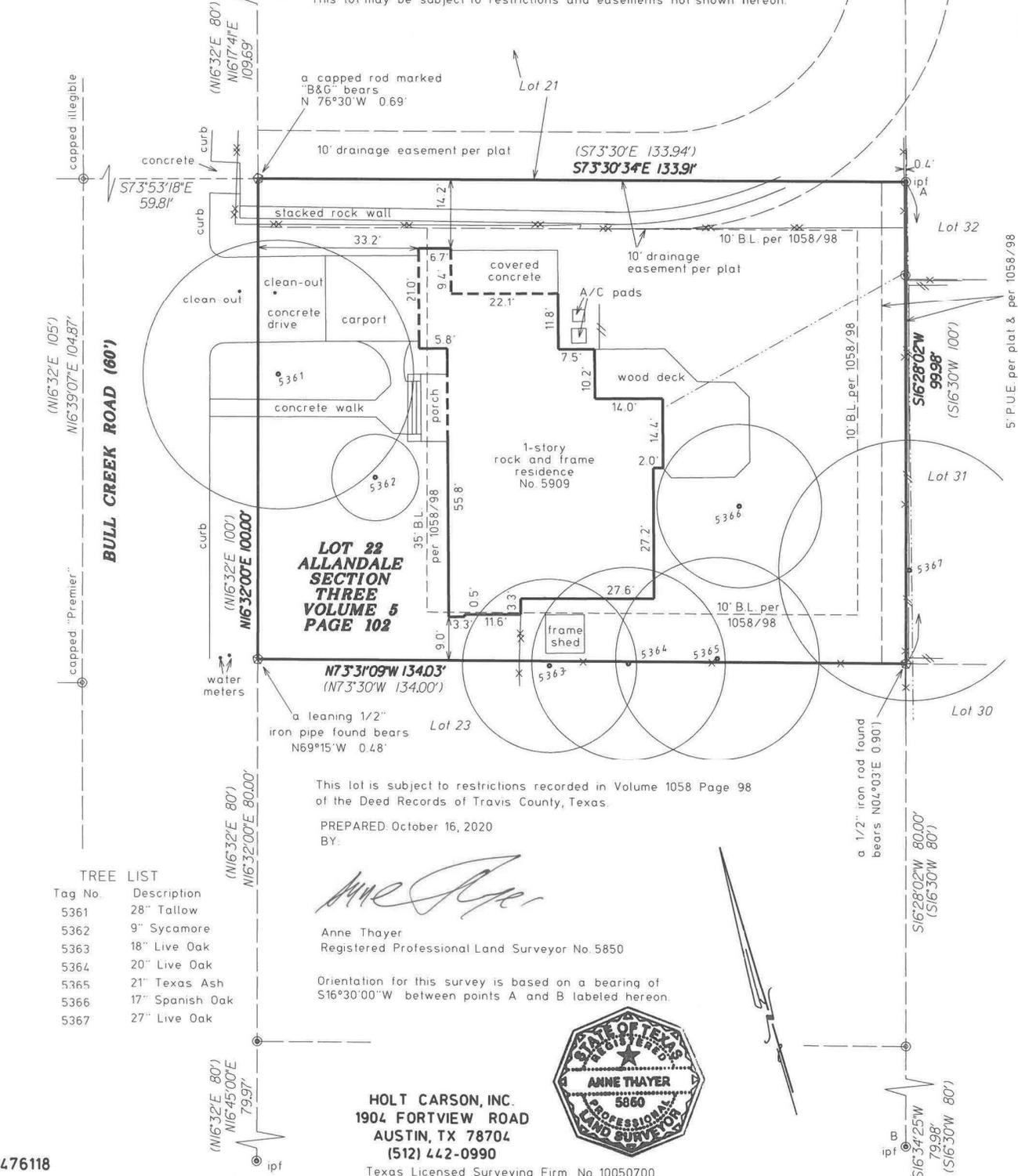
- house footprint: 2,560 sq. ft.
- carport: 350 sq. ft.
- covered concrete: 200 sq. ft.
- front porch: 110 sq. ft.
- concrete walk: 180 sq. ft.
- concrete drive: 250 sq. ft.
- A/C pads: 24 sq. ft.
- frame shed: 60 sq. ft.
- uncovered wood deck: 520 sq. ft.
(260 sq. ft. calculated at 50%)

The above improvements comprise 3,994 sq. ft. or 29.8% of the land area (wood deck included at 50% and dry-stacked drainage improvements not included in the above calculation)

- LEGEND**
- ⊙ 1/2" Iron Rod Found
 - ipf 1/2" Iron Pipe Found
 - ⊕ Calculated Point
 - Wood Fence
 - Metal Fence
 - Chain Link Fence
 - Overhead Utility Line
(Record Bearing and Distance)

Tree "crowns" shown hereon are drawn as a function of trunk diameter. One inch of trunk diameter equals one foot of crown radius. Multi-trunk trees are drawn calculated on the full diameter of the largest stem plus one half of the diameter of each additional stem. Due to natural variations in tree growth, these generalized depictions may not correlate to actual tree crowns or root zones.

This survey was completed without the benefit of a current title commitment. This lot may be subject to restrictions and easements not shown hereon.



This lot is subject to restrictions recorded in Volume 1058 Page 98 of the Deed Records of Travis County, Texas.

PREPARED October 16, 2020
BY:

Handwritten Signature

Anne Thayer
Registered Professional Land Surveyor No. 5850

Orientation for this survey is based on a bearing of S16°30'00" W between points A and B labeled hereon.

TREE LIST

Tag No.	Description
5361	28" Tallow
5362	9" Sycamore
5363	18" Live Oak
5364	20" Live Oak
5365	21" Texas Ash
5366	17" Spanish Oak
5367	27" Live Oak

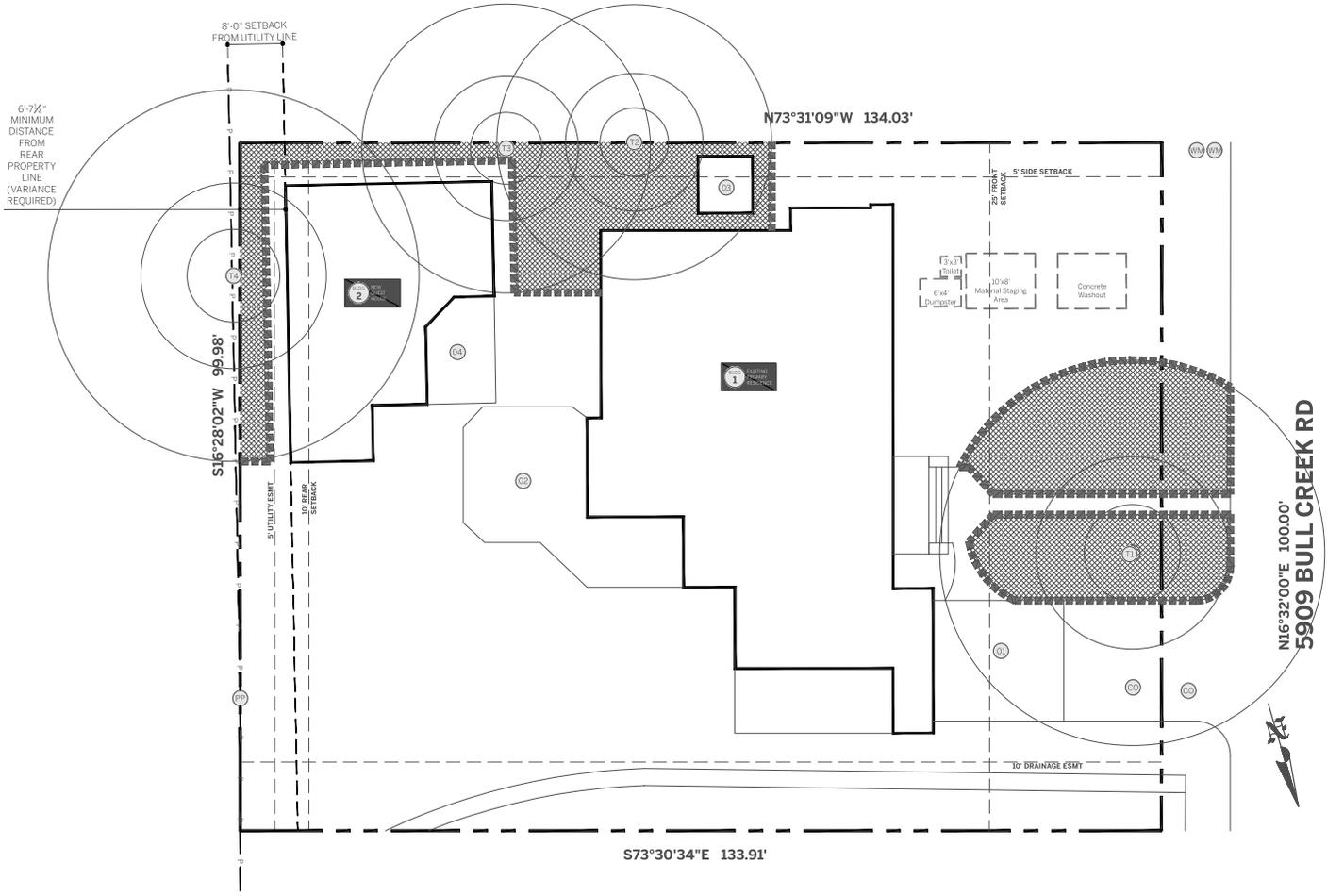
HOLT CARSON, INC.
1904 FORTVIEW ROAD
AUSTIN, TX 78704
(512) 442-0990



TREE PROTECTION NOTES

- Trees depicted on this sheet have been located, sized, and given species identifications per survey provided to Architect by Owner. Regardless of species—and regardless of whether they have been depicted on this sheet or not—all trees 19" in trunk diameter and greater at a height of 4'-6" above adjacent grade are protected by municipal ordinance. No protected tree shall be removed without a permit. No impacts of any kind are permitted in the 1/4 CRZ of any protected tree.
- Tree protection measures per the details on sheet G006 are required for all protected trees (on subject property and adjacent properties) whose CRZs fall within the subject property, even if said CRZs will not be directly impacted by construction.
- Extents of tree protection fencing are shown on this sheet. Tree protection fencing shall be installed prior to the commencement of construction.
- 2x4 or greater size planks @ 6' minimum length shall be strapped securely around protected trees' trunks and root flares when protective fencing does not incorporate entire 1/2 CRZ.
- All pruning shall be conducted under the strict oversight of a licensed professional arborist. PRUNING FOR SUBJECT TREES SHALL NOT EXCEED 25% OF TREE CANOPY.
- Trenching for all utilities in CRZs (indicated by notes L3, L4, L5, and L6) shall be minimized to the least extent feasible and shall occur by means of air-spading by a licensed professional arborist.
- Care shall be taken during construction that activities requiring vertical movement (eg, drilling rigs) shall not disturb existing tree canopies.
- The placement and storage of materials and/or heavy equipment on CRZs is strictly prohibited without exception.

Applicable to all projects where CRZs of ANY protected trees (on subject property and/or on adjacent properties) fall within boundaries of subject property REGARDLESS OF PROJECT SCALE, SCOPE, OR TYPE



KEYED NOTES (NOT ALL NOTES MAY PERTAIN TO THIS SPECIFIC PROJECT)
01 Existing carport attached to primary residence.
02 Existing uncovered wood deck.
03 Existing shed.
04 New covered porch.
05 Existing overhead electric line, indicated thus:



CRITICAL ROOT ZONES AT PROTECTED TREES.
Mulch (3" layer of mulch inside tree protection fence, 8" layer outside). Tree protection fencing (ref. G006 and notes on this sheet).

TREE PROTECTION LEGEND.
Mulch (3" layer of mulch inside tree protection fence, 8" layer outside). Tree protection fencing (ref. G006 and notes on this sheet).

LIST OF PROTECTED TREES.
TRUNK Ø SPECIES
T1 28" TALLOW
T2 20" LIVE OAK
T3 21" TEXAS ASH
T4 27" LIVE OAK

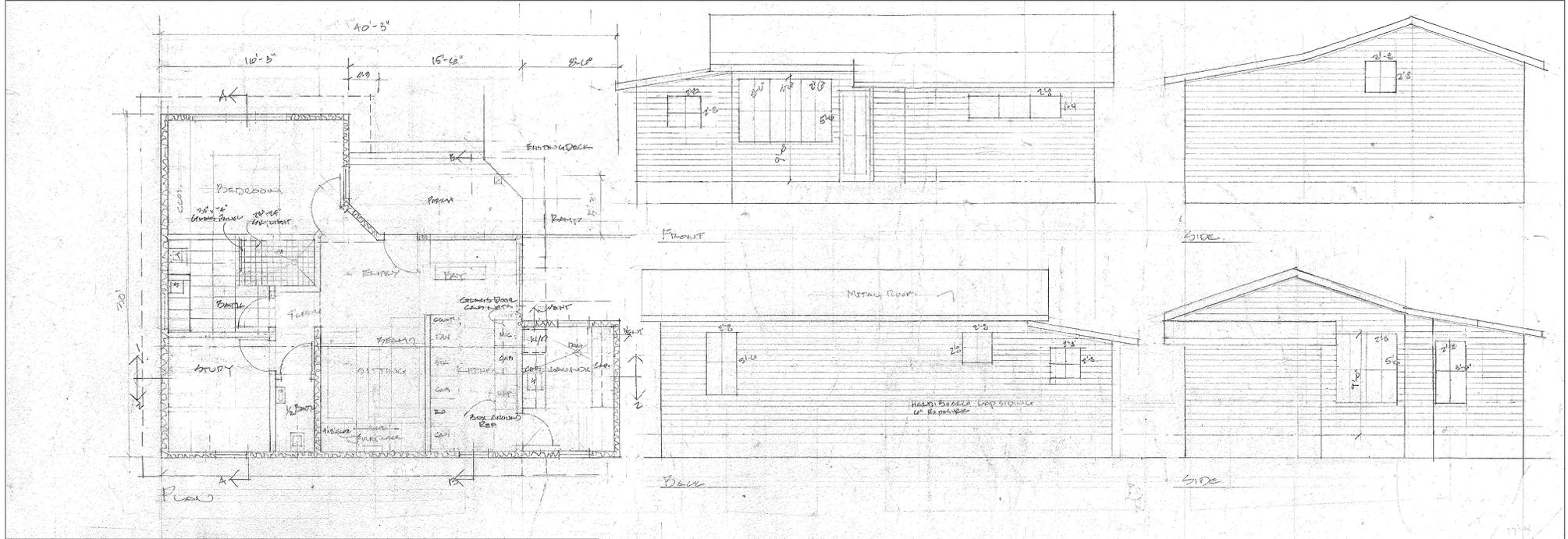
DISCLAIMERS.
 This document is issued under the seal of WILLIAM LAWRENCE HODGE, Texas architect #2004. This document is not for permitting, regulatory approval, pricing or construction unless the seal and signature of the Architect are visible. This document is not approved for construction unless a seal of municipal approval is visible. No set of construction documents can contain all information required to construct a project. Interpretation by a contractor is required. That which is shown in one sheet applies to all sheets in this set by reference. The information in G001 through G008 (inclusive) apply to every sheet in this set and to every contractor and/or subcontractor that may perform work on this project. Unless this set contains the cover sheet and all sheets listed thereon, this set is incomplete and INVALID FOR CONSTRUCTION.

SEAL OF ARCHITECT.
 THIS DOCUMENT IS NOT FOR PERMITTING, REGULATORY APPROVAL, PRICING, OR CONSTRUCTION UNLESS THE SEAL AND SIGNATURE OF THE ARCHITECT IS VISIBLE.
 ISSUE DATE: 31 December 2020.
 DESIGNER: Tom Thomson.

SEAL OF MUNICIPAL APPROVAL.

1 Site Plan
 Scale 1/16" = 1'-0" @ 11x17
 Scale 1/8" = 1'-0" @ 24x36

NEW GUEST HOUSE AT 1909 BULL CREEK RD AUSTIN, TX 78707
 ISSUE DATE: 31 December 2020.
 SHEET TYPE: Site Plan.
A000



1 Schematic Design

Scale 1/8" = 1'-0" @ 11x17
Scale 1/4" = 1'-0" @ 24x36

DISCLAIMERS.
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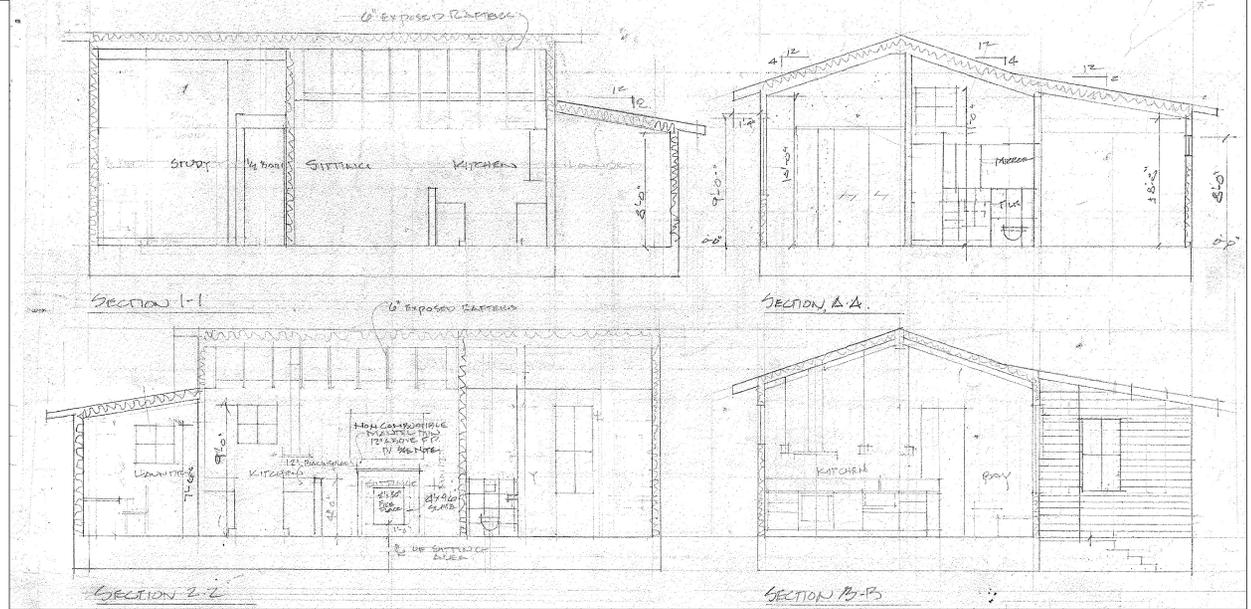
SEAL OF MUNICIPAL APPROVAL.

WILLIAM HODGE AIA ARCHITECT
AIA #23074
1101 S. COMMERCE ST. SUITE 100
AUSTIN, TX 78704
512.476.1111
WWW.WHARCHITECT.COM

NEW GUEST HOUSE AT 1009 BULL CREEK RD
AUSTIN, TX 78703

ISSUE DATE 31 December 2020.
SHEET TYPE Schematic Design.

A001





NOTIFICATIONS

CASE#: C15-2021-0019
LOCATION: 5909 BULL CREEK ROAD



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 169'



Development Services Department
One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment General/Parking Variance Application

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For Office Use Only

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Section 1: Applicant Statement

Street Address: 5909 Bull Creek Road

Subdivision Legal Description:
Lot 22 Allandale Sec 3

Lot(s): 22 Block(s): _____

Outlot: _____ Division: _____

Zoning District: SF 2

I/We Lawrence Graham/Andrea Griswold on behalf of myself/ourselves as authorized agent for _____ affirm that on

Month January, Day 8, Year 2021, hereby apply for a hearing before the Board of Adjustment for consideration to (select appropriate option below):

Erect Attach Complete Remodel Maintain Other: _____

Type of Structure: guest house

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

I am requesting a variance from Section 25-2-492 Site Development Regulations.
We are requesting a reduction of the rear setback requirement from 10' to 6'-7 1/4" for the construction of a guest house in the back yard.

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

Rear-setback regulations preclude reasonable use—the construction of a guest house on this property. The construction of the guest house as proposed is allowed but the 10' setback requirement would result in roof eaves that are less than 10' apart and would thus tie both the guest house and main house together in one fire area. This would require extensive modifications of the rear exterior wall and roof of the existing house. Locating the guest house as proposed would allow for an eave separation greater than 10'

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

The size of our lot does not allow for a 10' setback and adequate separation between the existing house and the proposed guest house. What we are requesting would still provide for an adequate set back of 6' 7 1/4" that will maintain privacy and access to electrical lines.

b) The hardship is not general to the area in which the property is located because:

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

Granting this variance and allowing the construction of a guest house with a setback of 6'-7 1/4" instead of 10' will not alter the character of the area adjacent to the property. This would allow for only 3' 4 3/4" of addition feet of separation between the existing house and the guest house. The rear yard, and that of the immediate neighbors, contain large trees and dense foliage. There will continue to be more than adequate separation between guest house and neighbors to the south and the east.

Parking (additional criteria for parking variances only)

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- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: _____ Date: 01/08/2021

Applicant Name (typed or printed): Lawrence Graham

Applicant Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: _____ Date: 01/08/2021

Owner Name (typed or printed): Lawrence Graham

Owner Mailing Address: 5909 Bull Creek Road

City: Austin State: Tx Zip: 78757

Phone (will be public information): (512) 567-1709

Email (optional – will be public information): [REDACTED]

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

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Email (optional – will be public information): [REDACTED]

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Owner Signature: Lawrence R Graham Date: 01/08/2021

Owner Name (typed or printed): Lawrence Graham

Owner Mailing Address: 5909 Bull Creek Road

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Phone (will be public information): (512) 567-1709

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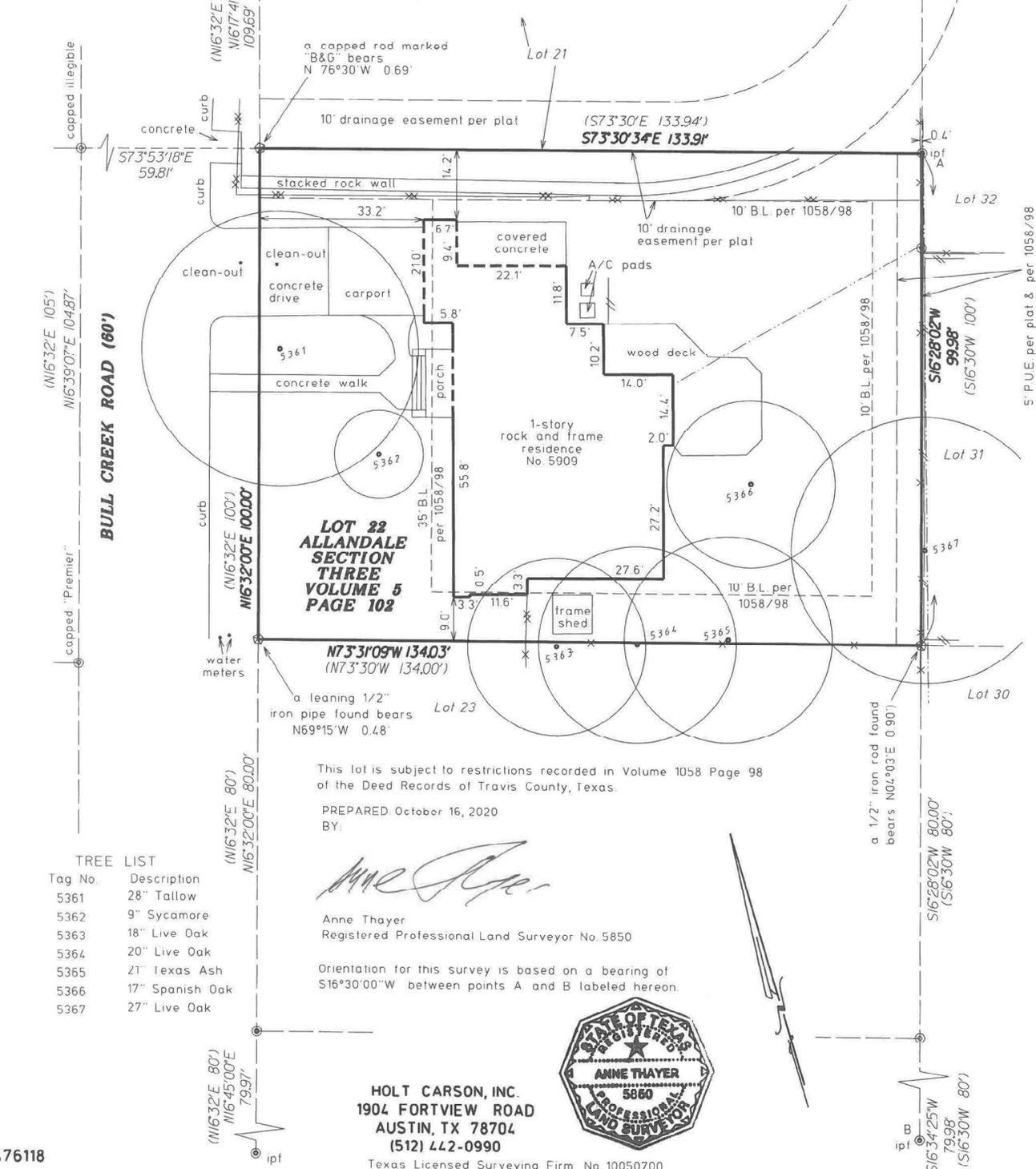
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PREPARED October 16, 2020
BY: *Anne Thayer*
Anne Thayer
Registered Professional Land Surveyor No. 5850

Orientation for this survey is based on a bearing of S16°30'00"W between points A and B labeled hereon.

TREE LIST

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